

**MUR # 7135**

**BEFORE THE  
FEDERAL ELECTION COMMISSION**

**RECEIVED  
FEDERAL ELECTION  
COMMISSION**

**2016 SEP 14 AM 9: 58**

American Democracy Legal Fund  
455 Massachusetts Avenue, N.W.  
Washington, DC 20001

**Complainant,**

**OFFICE OF GENERAL  
COUNSEL**

**v.**

Donald Trump  
725 Fifth Avenue  
New York, NY 10022

Paul Manafort  
725 Fifth Avenue  
New York, NY 10022

Donald J. Trump for President  
Timothy Jost, Treasurer  
725 Fifth Avenue  
New York, NY 10022

**Respondents.**

**COMPLAINT**

This complaint is filed under 52 U.S.C. §30116(a)(1)(A) and 52 U.S.C. §30116 (a)(2)(A), against Donald Trump; Paul Manafort; and Donald J. Trump for President and Timothy Jost, Treasurer, in his official capacity, for violating the Federal Election Campaign Act of 1971 ("the Act") and Federal Election Commission ("FEC") regulations, as described below.

## A. FACTS

On July 15, 2016, Paul Manafort, Campaign Chairman and Chief Strategist of Donald J. Trump for President, appeared on Fox and Friends for an interview.<sup>1</sup> Host Steve Doocy introduced Mr. Manafort as the “Trump campaign manager,” and a banner under his name read, “Chairman, Donald Trump Presidential Campaign.”<sup>2</sup> Six minutes and fifty seconds into the interview, host Brian Kilmeade asked, “Is it true that Sheldon Adelson has been asked to shell out a \$6 million check for all the corporate sponsors who bailed out of the RNC?”<sup>3</sup> Mr. Manafort, replied, “I have no idea. I’m not the RNC. I’d like to have him bail out — write a check for the Trump campaign for that amount of money if he could.”<sup>4</sup> Just five days later, July 20, 2016, Mr. Manafort called into a meeting of contributors for the new pro-Trump super PAC, Rebuilding America Now. During the meeting, Mr. Manafort expressed, “there’s no better way to help elect Donald Trump than to support [the] PAC, Rebuilding America Now.”<sup>5</sup> The next day, July 21, 2016, political consultant Alex Costellanos publically announced he would be heading Rebuilding America Now.<sup>6</sup> Mr. Costellanos stressed that the new super PAC was the primary PAC to which supporters should contribute, because the PAC was unique in the level of support it received from Trump campaign officials, commenting, “I don’t think any other PAC is getting that kind of encouragement.”<sup>7</sup>

<sup>1</sup> *Is Trump Rethinking his VP Pick after Attack in Nice?*, Fox and Friends, (July 15, 2016, 2:00PM), [http://video.foxnews.com/v/5036949908001/is-trump-rethinking-his-vp-pick-after-attack-in-nice-/?playlist\\_id=930909787001#sp=show-clips](http://video.foxnews.com/v/5036949908001/is-trump-rethinking-his-vp-pick-after-attack-in-nice-/?playlist_id=930909787001#sp=show-clips).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Tammy Haddad and Betsy Fischer Martin, *Alex Castellanos Revs Up Super-PAC for Trump*, Bloomberg Politics, (July 22, 2016, 11:00PM), <http://www.bloomberg.com/politics/articles/2016-07-22/alex-castellanos-revs-up-super-pac-for-trump>.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* (describing Mr. Manafort calling into the PAC’s contributors’ meeting and expressing that donating to Rebuild America Now was the best way to support Donald Trump).

Within the span of one week, Mr. Manafort solicited a \$6 million donation from Sheldon Adelson; Mr. Manafort spoke at a contributors' meeting for the new pro-Trump super PAC, Rebuilding America Now; and the head of the super PAC gave an interview encouraging donations. This tight time frame is no coincidence, as the previously decentralized nature of pro-Trump super PAC funds was reportedly crippling the campaign.<sup>8</sup> Pro-Trump donors were in need of direction for where to channel their funds, and Mr. Manafort sought to provide that direction. However, Mr. Manafort's solicitation of an individual super PAC donation, in excess of \$5,000, was a clear violation of the Federal Election Campaign Act of 1971, as amended, and FEC regulations.

## **B. LEGAL ARGUMENT**

Under federal law, a federal candidate or officeholder, or agent thereof, may not solicit, receive, direct, transfer, spend, or disburse funds, in connection with a federal election for federal office, which are not subject to the source restrictions and contribution limits under the law.<sup>9</sup> Notwithstanding this clear prohibition, while serving in his capacity as campaign chairman and chief strategist, Mr. Manafort appears to have illegally solicited a \$6 million individual donation for the Trump campaign's newly launched super PAC, Rebuilding America Now.

### **1) Mr. Manafort is an agent of the Trump presidential campaign.**

FEC regulations define an agent as "any person who has actual authority, either express or implied,... to solicit, receive, direct, transfer, or spend" funds in connection with the election

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<sup>8</sup> Russ Choma, *Donald Trump has a Super PAC Problem*, Mother Jones, (July 22, 2016, 10:41PM), <http://www.motherjones.com/politics/2016/05/donald-trump-super-pac-problem>.

<sup>9</sup> 52 U.S.C. § 30125(e)(1)(A); 11 C.F.R. §§ 300.60, 300.61.

of any federal candidate or an individual holding federal office.<sup>10</sup> On May 19, 2016, Trump campaign press secretary Hope Hicks announced that Paul Manafort would take over as the campaign's chairman and chief strategist.<sup>11</sup> These roles, in part, gave Mr. Manafort the authority to solicit and spend funds for the campaign, and to oversee the Vice Presidential vetting process.<sup>12</sup> On July 15, 2016, Mr. Manafort appeared on Fox and Friends in his capacity as a campaign agent. As noted above, host Steve Doocy introduced Mr. Manafort as Trump's campaign manager, and the show identified Mr. Manafort as the chairman of the Donald Trump presidential campaign. When appearing on the show, Mr. Manafort was clearly acting in his capacity as the Trump campaign chairman and manager, making him an agent of the campaign.

**2) Mr. Manafort made a solicitation on behalf of the Trump Campaign in excess of the individual contribution limits.**

The Act and FEC regulations provide that "to solicit," in part, is to "ask, request, or recommend, explicitly or implicitly, that another person make a contribution, donation, transfer of funds, or otherwise provide anything of value."<sup>13</sup> The Act prohibits federal candidates, their agents, and entities established, financed, maintained, or controlled by candidates, from soliciting or receiving funds in connection with any election outside of the federal contribution and source limits. The Act limits individual contributions to a candidate to \$2,700 per election during the 2015-16 election cycle, and contributions to a political action committee to \$5,000 per year.<sup>14</sup>

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<sup>10</sup> 11 C.F.R. §300.2(b)(3).

<sup>11</sup> Maggie Haberman and Ashley Parker, *Trump Aide Paul Manafort Promoted to Campaign Chairman and Chief Strategist*, NYTimes, (July 19, 2016, 10:00AM), [http://www.nytimes.com/2016/05/20/us/politics/paul-manafort-trump.html?\\_r=0](http://www.nytimes.com/2016/05/20/us/politics/paul-manafort-trump.html?_r=0).

<sup>12</sup> *Id.* (explaining that, in his new role, Mr. Manafort hired a pollster and would oversee the vetting process for running mates).

<sup>13</sup> 11 C.F.R. §300.2(m).

<sup>14</sup> 52 U.S.C. § 30116(a)(1)(A), (a)(2)(A); 80 Fed. Reg. 5752 (Feb. 3, 2015).

Solicitations need not be explicit. For instance, statements such as "You have reached the limit of what you may contribute directly to my campaign, but you can further help my campaign by assisting the State party" or "Giving to Group X would be a very smart idea" are solicitations, as are more explicit statements such as "Please give \$100,000 to Group X."<sup>15</sup> Mr. Manafort's challenged request nearly mirrors the latter.

Mr. Manafort expressly solicited an individual donation, from Republican business magnate Sheldon Adelson, during his Fox and Friends interview. Mr. Manafort said, "I'd like to have [Adelson] bail out — write a check for the Trump campaign for that amount of money if he could."<sup>16</sup> The amount of money to which Mr. Manafort referred was the \$6 million donation the Republican National Committee ("RNC") reportedly requested from Mr. Adelson.<sup>17</sup> Mr. Manafort's solicitation of the funds "for the Trump campaign" was an indication for the funds to be given to the newly created super PAC, Rebuilding America Now. The intended recipient of the \$6 million requested can be gathered from Mr. Manafort's unofficial endorsement of the new super PAC and its public launching just days after his solicitation, and from the fact while Mr. Adelson would only be able to give \$2,700 per election to Donald J. Trump for President, Inc., he may give unlimited amounts to Mr. Manafort's preferred super PAC.<sup>18</sup>

As noted above, federal law prohibits individual contributions to political action committees in excess of \$5,000,<sup>19</sup> and the Act and FEC regulations specifically prohibit an agent acting on behalf of a federal campaign from soliciting donations in violation of the codified

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<sup>15</sup> *Id.* § 300.2(m)(2)(ii).

<sup>16</sup> *Is Trump Rethinking his VP Pick after Attack in Nice?*, Fox and Friends, (July 15, 2016, 2:00PM), [http://video.foxnews.com/v/5036949908001/is-trump-rethinking-his-vp-pick-after-attack-in-nice-/playlist\\_id=930909787001#sp=show-clips](http://video.foxnews.com/v/5036949908001/is-trump-rethinking-his-vp-pick-after-attack-in-nice-/playlist_id=930909787001#sp=show-clips).

<sup>17</sup> *Id.* (questioning Mr. Manafort about the report \$6 million donation the RNC requested from Sheldon Adelson).

<sup>18</sup> 52 U.S.C. § 30116(a)(1).

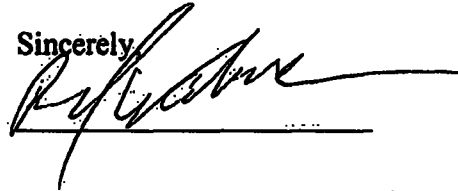
<sup>19</sup> *Id.*; 11 C.F.R. §§110.1, 110.2; Contribution Limits for 2015-2016 Federal Elections, Fed. Election Comm'n, <http://www.fec.gov/info/contriblimitschart1516.pdf>.

contribution limits.<sup>20</sup> Nonetheless, by soliciting \$6 million from Sheldon Adelson for Rebuilding America Now, Mr. Manafort appears to have made a solicitation in excess of the \$5,000 limitation, in clear violation of the Act and FEC regulations.

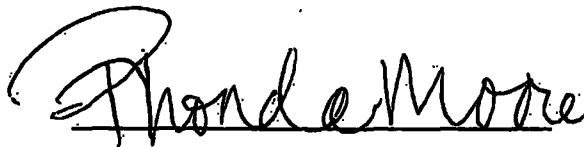
**C. REQUESTED ACTION**

As shown, Paul Manafort, Campaign Chairman and Chief Strategist of Donald J. Trump for President, violated the Act by soliciting an individual donation, for the Rebuilding America Now super PAC, in excess of \$5,000. We respectfully request that the Commission investigate this violation and that Respondents be enjoined from further violations and fined the maximum amount permitted by law.

Sincerely,



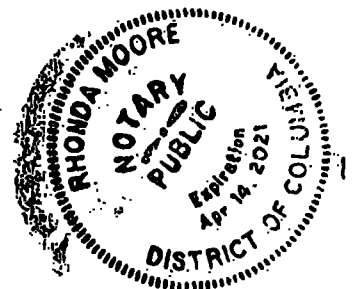
SUBSCRIBED AND SWORN to before me this 9 day of ~~July~~ <sup>August</sup>, 2016.



Notary Public

My Commission Expires:

April 14, 2021



<sup>20</sup> 52 U.S.C. 30125(e) (1); 52 U.S.C. 30125 (e)(1)(A); 11 C.F.R. §§300.60(c), 300.61.